

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WIDER CONSOLIDATED, INC.,

Plaintiff,

- against -

VISION PRODUCTS CO., LTD.,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

**ORDER ADOPTING REPORT**  
**AND RECOMMENDATION**  
17-CV-3427 (RRM) (ST)

Wider Consolidated, Inc. (“Wider”) brings this action, alleging that Vision Products Co., Ltd. (“Vision Products”) failed to pay \$116,598.24 it owes Wider. Vision Products has neither answered nor otherwise appeared in this case. The Clerk of Court entered default, and Wider moved for default judgment. (Mot. Default J. (Doc. No. 11).) This Court referred the motion to Magistrate Judge Steven Tiscione for a Report and Recommendation (“R&R”). (*See* 8/16/2017 Order.)

Before the Court is Judge Tiscione’s R&R, recommending that this Court deny Wider’s request for a default judgment. (R&R (Doc. No. 13).) Specifically, Judge Tiscione determined that Wider’s motion lacks adequate support for the relief sought and that the complaint fails to state a claim. (R&R at 1.) The R&R therefore recommends that the motion for default judgment be denied without prejudice and that Wider be given 30 days to amend its complaint. (*Id.*)

Judge Tiscione reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72(b), any objection to the R&R must be filed within 14 days of service, and directed Wider to serve copies of the R&R on Vision Products. (R&R at 11–12.) Wider filed an affidavit, affirming that it served Vision Products a copy of the R&R on February 23, 2018.

(Wider Aff. (Doc. No. 14).) No party has filed any objection, and the time to do so has since expired.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, the Court denies Wider's motion for default judgment. The Court grants Wider leave to amend its complaint within 30 days of this Order.

This action is re-committed to the assigned Magistrate Judge for all pre-trial proceedings.

SO ORDERED.

Dated: Brooklyn, New York  
March 13, 2018

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge